



## A BILL FOR AN ORDINANCE

TO AMEND CHAPTER 29, REVISED ORDINANCES OF HONOLULU 1990, AS AMENDED, RELATING TO STREETS, SIDEWALKS, MALLS AND OTHER PUBLIC PLACES.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Purpose and intent. The purpose of this Ordinance is to amend Article 4 of the Streets, Sidewalks, Malls and Other Public Places Ordinance, ROH Chapter 29.

SECTION 2. Section 29-4.7, Revised Ordinances of Honolulu 1990, as amended ("Enforcement"), is amended by amending subsection (b) thereof to read as follows:

"(b) Any person violating Section 29-4.3(a)(1) or (a)(2) or violating Section 29-4.4(a)(7), shall be issued a notice of violation by the director of planning and permitting or the director's designee mandating the removal of the litter or posted, affixed or displayed material. Failure to remove such litter or material will subject the owners or persons in control of private property to the penalties prescribed in Section 29-4.8. A notice of violation must be served upon responsible persons either personally or by certified mail. However, if the whereabouts of such persons are unknown and the same cannot be ascertained by the director or the director's designee in the exercise of reasonable diligence and the director or the director's designee provides an affidavit to that effect, then a notice of violation may be served by publishing the same once each week for two consecutive weeks in a daily or weekly publication in the city pursuant to HRS Section 1-28.5."

SECTION 3. Section 29-4.8, Revised Ordinances of Honolulu 1990, as amended ("Violation—Penalty"), is amended by amending subsection (b) thereof to read as follows:

"(b) For violations of Section 29-4.3(a)(1) or (2) and violations of Section 29-4.4(a)(7), in lieu of or in addition to the penalties prescribed in subsection (a), if the director of planning and permitting determines that any person, firm or corporation is not complying with a notice of violation, the director of planning and permitting may have the party responsible for the violation served, by certified mail or delivery, with an order pursuant to this subsection.

(1) Contents of the Order.



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- (A) The order may require the party responsible for the violation to do any or all of the following:
- (i) Correct the violation within the time specified in the order;
  - (ii) Pay a civil fine not to exceed \$500.00 in the manner, at the place and before the date specified in the order;
  - (iii) Pay a civil fine not to exceed \$500.00 per day for each day in which the violation persists, in the manner and at the time and place specified in the order.
- (B) The order shall advise the party responsible for the violation that the civil fine, if unpaid within the prescribed time period, can be added to specified fees, taxes, or charges collected by the city.
- (C) The order shall advise the party responsible for the violation that the order shall become final 30 calendar days after the date of its delivery. The order shall also advise the party responsible for the violation that the order may be appealed to the building board of appeals.
- (2) Service of Notice of Order. A notice of order must be served upon responsible persons either personally or by certified mail. However, if the whereabouts of such persons are unknown and the same cannot be ascertained by the director of planning and permitting in the exercise of reasonable diligence and the director of planning and permitting provides an affidavit to that effect, then a notice of order may be served by publishing the same once each week for two consecutive weeks in a daily or weekly publication in the city pursuant to HRS Section 1-28.5.
- [(2)](3) Effect of Order--Right to Appeal. The provisions of the order issued by the director of planning and permitting under this subsection shall become final 30 calendar days after the date of the delivery of the order. The party responsible for the violation may appeal the order to the building board of appeals. The appeal must be received in writing by the building board of appeals on or before the date the order becomes final. However, an appeal to the building board of appeals shall not stay any provision of the order except the imposition of a civil fine. No civil fine shall be imposed once an order has been appealed until a hearing has been held pursuant to HRS Chapter 91, and a decision upholding the fine has been rendered.



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~~[(3)]~~(4)Judicial Enforcement of Order. The director of planning and permitting may institute a civil action in any court of competent jurisdiction for the enforcement of any order issued pursuant to this section. Where the civil action has been instituted to enforce the civil fine imposed by said order, the director of planning and permitting need only show that the notice of violation and order were served, that a civil fine was imposed, the amount of the civil fine imposed and that the fine imposed has not been paid."

SECTION 4. Ordinance material to be repealed is bracketed; new material is underscored. When revising, compiling, or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the revisor of ordinances need not include the brackets, the bracketed material, or the underscoring.



**CITY COUNCIL**  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII

ORDINANCE 15-20

BILL 72 (2014), CD1

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SECTION 5. This ordinance takes effect upon its approval.

INTRODUCED BY:

Ernest Martin (b/r)

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DATE OF INTRODUCTION:

October 30, 2014  
Honolulu, Hawaii

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Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Don S. Kitaoka  
Deputy Corporation Counsel DON S. KITAOKA

APPROVED this 22nd day of June, 20 15.

Kirk Caldwell  
KIRK CALDWELL, Mayor  
City and County of Honolulu

CITY COUNCIL  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII  
CERTIFICATE

ORDINANCE 15-20

BILL 72 (2014), CD1

Introduced: 10/30/14

By: ERNEST MARTIN (BR)

Committee: ZONING AND PLANNING

Title: A BILL FOR AN ORDINANCE TO AMEND CHAPTER 29, REVISED ORDINANCES OF HONOLULU 1990, AS AMENDED, RELATING TO STREETS, SIDEWALKS, MALLS AND OTHER PUBLIC PLACES.

Voting Legend: \* = Aye w/Reservations

NOTE: EFFECTIVE NOVEMBER 4, 2014, COUNCILMEMBER BREENE HARIMOTO, REPRESENTING COUNCIL DISTRICT VIII, RESIGNED FROM OFFICE. (Refer to Communication CC-245)

NOTE: BRANDON ELEFANTE WAS SWORN IN AND TOOK OFFICE AS A MEMBER OF THE HONOLULU CITY COUNCIL ON WEDNESDAY, NOVEMBER 12, 2014 REPRESENTING DISTRICT VIII.

11/12/14	COUNCIL	BILL PASSED FIRST READING AND REFERRED TO COMMITTEE ON ZONING AND PLANNING. 8 AYES: ANDERSON, CHANG, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE. 1 ABSENT: MARTIN.
		NOTE: COUNCILMEMBER OZAWA TOOK OFFICE ON FRIDAY, JANUARY 2, 2015.
02/07/15	PUBLISH	PUBLIC HEARING NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER.
02/12/15	ZONING AND PLANNING	CR-57(15) - BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON SECOND READING AND SCHEDULING OF A PUBLIC HEARING AS AMENDED IN CD1 FORM.
02/18/15	COUNCIL/PUBLIC HEARING	CR-57(15) ADOPTED. BILL PASSED SECOND READING AS AMENDED, PUBLIC HEARING CLOSED AND REFERRED TO COMMITTEE ON ZONING AND PLANNING. 9 AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MARTIN, MENOR, OZAWA, PINE.
02/25/15	PUBLISH	SECOND READING NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER.
05/28/15	ZONING AND PLANNING	CR-220(15) - BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON THIRD READING.
06/03/15	COUNCIL	CR-220(15) ADOPTED AND BILL 72 (2014), CD1 PASSED THIRD READING. 9 AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MARTIN, MENOR, OZAWA, PINE.

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this BILL.

GLENN TAKAHASHI, CITY CLERK

ERNEST Y. MARTIN, CHAIR AND PRESIDING OFFICER